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C O N F I D E N T I A L CARACAS 000801

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [VE](#)

SUBJECT: THE NARROW ROAD TO THE SIGNATURE APPEALS PROCESS

REF: A. CARACAS 786

[B](#). CARACAS 740

[C](#). CARACAS 730

Classified By: Abelardo A. Arias, Political Counselor,
for reason 1.4(d).

Summary

[1](#). (C) The GOV and the opposition continue to negotiate the appeals process ("reparos") that will determine the fate of the signatures presidential referendum against President Hugo Chavez. The National Electoral Council (CNE) March 7 delivered its computerized version of the results of the verification of the signatures to the opposition, which classified it as a "disaster." An OAS observer confirmed this assessment, noting that the CNE's handling of the signatures has been incompetent at best. The opposition must strike a balance between bringing pressure against the CNE for its shoddy work and keeping the institution functional to reach the appeals process. As is, the dates for the appeals process may slip to mid-April. End Summary.

GOV And DCC Negotiations

[2](#). (C) The National Electoral Council (CNE) delivered a computerized version of the results of the verification of the presidential recall referendum signatures to the opposition on March 7. The turnover of the data is part of the negotiations to design an appeals process ("reparos") for the signatures. Representatives of the Democratic Coordinating Committee (DCC) told poloff March 8 that the database was a "disaster" of disorganized information. OAS observer Marcelo Alvarez told polcouns on March 9 that the CNE's arbitrary application of the verification norms to the opposition signatures indicates either an intentional effort to scuttle the referendum or, at best, complete ineptitude at the CNE. The CNE, Alvarez noted, still has "a mountain of work" to finalize the tally, but he did not expect the CNE's count to change by much from what had already been announced. Alvarez said he feared the opposition might make so much political hay of the CNE's dubious work that the CNE board would go into crisis before an appeals process can be held.

[3](#). (C) The opposition plans to take a few days to analyze the CNE data. Alvarez said that if the opposition can resist the temptation to blast the CNE over the multitude of errors they are likely to uncover, they may be able to use the information to get the CNE to agree to a longer appeals process with more signatures up for grabs. The two sides, Alvarez said, are bound by an agreement that gives them 15 days to prepare for the appeals process once they come to agreement on the parameters. Alvarez expressed concern that the appeals process would be further delayed by Holy Week (April 4-11), thus pushing the process off to mid-April.

[4](#). (C) CNE Director Jorge Rodriguez said publicly March 8 that, with the database delivered, the opposition must decide to go to the appeals process before the end of the week or the CNE would proceed with its original plan for the appeals process. (Note: Opposition negotiators rejected the CNE's initial proposal as not feasible. The NGO Sumate and international observers also agree that this proposal would not be viable.) The opposition is analyzing the data to determine how the appeals process should work for it to bridge the difference between the approximately 1.8 million signatures validated by the CNE and 2.4 million minimum required.

[5](#). (C) Alvarez commented that the Carter Center is taking the lead in facilitating the negotiations at the CNE. The OAS prefers to maintain its role as observers, he said, but still consults closely with the Carter Center for the negotiations. Alvarez said CNE Director Jorge Rodriguez is the only member of the CNE board participating in the negotiations. He said

Rodriguez is combative, applying the rules when it suits him, ignoring them when they do not. Miranda State Governor Enrique Mendoza and Movement to Socialism (MAS) President Felipe Mujica continue to negotiate for the opposition. The DCC representatives have told us the GOV is represented by Fifth Republic Movement (MVR) National Assembly Deputy Willian Lara and Podemos Deputy Ismael Garcia.

Opposition Strategy

16. (C) DCC representatives expect the next two weeks to determine the fate of the referendum. Unity among the opposition has improved since the March 2 CNE announcement of the preliminary results, they said, with most groups realizing that negotiations with the CNE is the only practical alternative. The massive march on March 6 demonstrated, they said, the desire of the opposition to continue the peaceful and democratic route of the appeals process. Some sectors of the opposition, however, most notably Henrique Salas Romer, have accused the opposition of "negotiating away" the signatures. The DCC has denied this publicly, but is in fact negotiating the numbers of valid signatures and how many will go to the appeals process (currently 1.1 million) and how long the process will be (currently two days). The DCC representatives said the opposition would focus its media campaign on the CNE's need to respect the will of the signers and to reach an accommodation on the appeals process.

Comment

17. (C) The CNE's best defense may be that the opposition cannot afford to discredit it so much as to damage the CNE's ability to mount the appeals process. The opposition is feeling somewhat heady with the swing of public opinion (national and international) going its way. But we believe scenarios that envision Chavez backing down and granting all concessions for the appeals process to work to be too optimistic. We also note while the sides quibble over the design of the appeals process, time is frittering away: a referendum should be called by mid-May if it is to be held before August 19, when a recalled Chavez can still be replaced via an election.

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